

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 21, 1998
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Wear at 11:17 a.m. At 11:51 a.m. Deputy Mayor Wear convened the Redevelopment Agency meeting simultaneously with the Council meeting. The Council meeting was recessed by Deputy Mayor Wear at 12:15 p.m.

The meeting was reconvened by Deputy Mayor Wear at 2:19 p.m. with Mayor Golding and Council Members Warden and Vargas not present. Deputy Mayor Wear convened the Special Joint Meeting with the Redevelopment Agency and reconvened the Redevelopment Agency to meet simultaneously with the City Council at 4:07 p.m.

Deputy Mayor Wear adjourned the meeting at 4:46 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-excused by R=290034
(Personal business)
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-excused by R-290086
(No reason given)
- (6) Council Member Stallings-present

- (7) Council Member McCarty-present
 - (8) Council Member Vargas-excused by R-290035
(Court appearance)
- Clerk-Abdelnour (ms/mp)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-not present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-not present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-not present

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Daniel Fagen regarding the need for a permanent shelter for the homeless and how they will continue to work for this.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A018-037.)

ITEM-PC-2:

Comment by Daniel Beeman about the difficulty of getting information. He asked about getting the Voters Rights Task Force recommendations, the final reports of the Voters Rights and Ballpark Task Forces, and the numbers for the North Bay Redevelopment Project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A040-060.)

ITEM-PC-3:

Comment by Richard Fick regarding the ballpark was ruled out of order by Deputy Mayor Wear since this is an agenda item today. Comments to be made on Item S403.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A067-088.)

ITEM-PC-4:

Comment by Ron Bochung was ruled out of order by Deputy Mayor Wear.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A090-106.)

ITEM-PC-5:

Dr. Art Salzberg spoke on the homeless issue, the need for 24 hour shelters, and settlement of homeless lawsuits.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A108-136.)

ITEM-PC-6:

Rev. Wayne Anderson, Marian Hughes and Roger Scott spoke about the homeless and the need for adequate 24 hour shelters and medical attention.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A138-186.)

ITEM-PC-7:

Comment by Michael Zucchet was ruled out of order by City Attorney Gwinn and City Clerk Abdelnour.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A233-277.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Kehoe requested that the City Manager have the information requested by Daniel Beeman in his public comment made available in the public libraries.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A061-066.)

ITEM-CC-2:

Council Member Stevens commented on services provided for the homeless by the City, and said that the County Social Services Agency should take the lead in services for the homeless. In San Diego the designation has always been the County of San Diego to provide social service assistance. He said it is the responsibility of the homeless to get in the census with a homeless address because appropriations are made from the Federal Government based on the number of people in need. The City does not have the funds to provide what the homeless are requesting.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A278-365.)

ITEM-S403:

SUBJECT: Padres' Ballpark.

(See memorandum from LU&H Chairperson McCarty dated 4/6/98.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-98-1155 Cor. Copy) ADOPTED AS RESOLUTION R-289989

Declaring that the City Council reaffirms its support of Resolution R-289758 (Task Force on Ballpark Planning) adopted February 23, 1998, and Resolution R-98-965(Ballpark Time Line) adopted March 24, 1998;

Directing the City Manager, with assistance from Centre City Development Corporation (CCDC), to complete base

line due diligence, community input, economic feasibility analysis, and negotiations with the Padres per the Council-adopted time line;

Declaring that CCDC returns to the City Council Committee on Land Use and Housing (LU&H) with a monthly progress report on the land use plan.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 4/8/98, LU&H voted 5-0 to: 1) Approve the Draft Concept Plan 4D as the preferred option for the Baseball District, and direct the City Manager, with assistance from CCDC, to complete base line due diligence, community input, economic feasibility analysis, and negotiations with the Padres per the Council-adopted time line; 2) direct CCDC to return to the Land Use and Housing Committee with a monthly progress report on the land use plan; and 3) request the Mayor to docket this matter for the April 20, 1998, City Council meeting. (Councilmembers Mathis, Stevens, Stalling, McCarty and Vargas voted yea.)

FILE LOCATION: GEN'L-Padres Ballpark (64)

COUNCIL ACTION: (Tape location: A498-B174.)

MOTION BY McCARTY TO ADOPT THE RESOLUTION. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-310:

(Continued from the meeting of April 7, 1998, Item 32, at Councilmember McCarty's request, in order for Charlie Ross to be present for acceptance of the resolution.)

SUBJECT: Honoring Charlie Ross.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1018) ADOPTED AS RESOLUTION R-289983

Commending Charlie Ross for his never ending spirit of community involvement and making the City of San Diego a better place to live.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A377-429.)

MOTION BY KEHOE TO ADOPT THE RESOLUTION. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-330:

SUBJECT: Matter of the appeal of R. Jeffrey Smith, chairman of the Rancho Penasquitos Planning Board from the decision of the Planning Commission to conditionally approve the proposal to subdivide two existing lots into four, and construct two, single-family residences on the proposed new lots. (Rodquez TPM).

(TM/RPO-94-0229. Rancho Penasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A, and adopt Subitems B & C to deny the appeal and grant the map and permit:

Subitem-A: (R-98-) NOTED AND FILED

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-94-0229 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-98-1204) ADOPTED AS RESOLUTION R-289990
GRANTED APPEAL, DENIED MAP

Adoption of a Resolution granting or denying the appeal and granting or denying the Tentative Map, with appropriate findings to support Council action.

Subitem-C: (R-98-1205) ADOPTED AS RESOLUTION R-289991
GRANTED APPEAL, DENIED PERMIT

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

SUPPORTING INFORMATION:

The proposed project consists of a Tentative Map and Resource Protection Ordinance Permit to subdivide two existing lots into four lots, and construct two single-family homes. The two existing lots have been previously graded and are currently developed with two single family homes. The 1.46-acre site is located at 14670 and 14680 Thebes Street within the Rancho Penasquitos Community Plan Area.

The proposed lots would comply with the development standards of the R1-5000 Zone including lot area, lot depth and lot frontage. The proposed lots would measure 9,583

square feet (Parcel 1), 14,810 square feet (Parcel 2), 25,700 square feet (Parcel 3), and 13,503 square feet (Parcel 4). Parcels 1 and 4 are currently improved with single-family homes.

LEGAL DESCRIPTION:

The project site is more particularly described as Lots 39 and 40, Penasquitos Golf Views Map No. 8713.

FILE LOCATION: Subitems A,B,C: PERM-94-0229(65)

COUNCIL ACTION: (Tape location: C011-D182.)

Hearing began at 2:20 p.m. and halted at 3:18 p.m.

Testimony in favor by Ed Rodriguez, Jim Algert, Thomas Lynch, Alan Basile, and Susan Rodriguez

Testimony in opposition by Richard Flanagan, Frederick MacManus, and Kimberly Amitin.

MOTION BY MATHIS TO UPHOLD THE APPEAL AND TO DENY THE PROJECT BECAUSE IT IS NOT SUITABLE FOR THE SITE AND NOT CONSISTENT WITH THE COMMUNITY PLAN. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-not present, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-331:

SUBJECT: Matter of an appeal of Hal Pollard from the decision of the Planning Commission in approving the request for a Conditional Use Permit and Otay Mesa Development Permit No. 96-7579. (U.S. Marshall Service.)

(CUP/OMDP-96-7579. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitem A; adopt Subitem B to deny the appeal and grant the permit:

Subitem-A: (R-98-1108) ADOPTED AS RESOLUTION R-289992

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-96-7579 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-98-1203) ADOPTED AS RESOLUTION R-289993
DENIED APPEAL; GRANTED PERMIT

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

CITY MANAGER SUPPORTING INFORMATION:

The vacant, partially improved 31-acre site is located on the north side of Airway Road, approximately 1,400 feet west of (future) State Route 905, within the OMDD-1 (General Industrial Subdistrict) Zone of the Otay Mesa Community Plan (Otay Mesa Planned District). The site is subject to land use and development standards of the underlying zone, the adopted Otay Mesa Community Plan and the Otay Mesa PDO, which designate the subject property for a variety of light-industrial land uses. Surrounding properties, also within the Otay Mesa Light-Industrial (OMDD-1) Zone, are predominantly vacant. The project site has historically been utilized for agricultural purposes and has recently been scraped. Surrounding properties have also historically been utilized for agricultural production.

Adjacent properties to the north and east have also been recently rough graded and properties to the south and west are covered with primarily exotic plant species.

LEGAL DESCRIPTION:

The project site is located immediately north of Airway Road and approximately 1,400 feet west of State Route 905, within the Otay Mesa Community Plan Area and is more particularly described as the Southern 31 acres of West ½ of Northwest 1/4 of Section 35, Township 18 South, Range 1 West, SBBM.

FILE LOCATION: Subitems A&B: PERM-96-7579(65)

COUNCIL ACTION: (Tape location: D185-481.)

Hearing began at 3:18 p.m. and halted at 3:38 p.m.

Testimony in opposition by Hal Pollard.

Testimony in favor by Mike McDade.

MOTION BY STEVENS TO ADOPT THE RESOLUTIONS CERTIFYING THE ENVIRONMENTAL MITIGATED NEGATIVE DECLARATION 96-7579 AND APPROVING THE MITIGATION, MONITORING AND REPORTING PROGRAM PREPARED FOR THIS PROJECT; AND TO DENY THE APPEAL AND APPROVE OTAY MESA DEVELOPMENT AND CONDITIONAL USE PERMIT 96-7579 SUBJECT TO CONDITIONS OF APPROVAL IN ATTACHMENT 5 WITH THE FOLLOWING ADDITIONAL LANGUAGE UNDER CONDITION 27: "THE PERMITTEE SHALL ENTER INTO A DEFERRED IMPROVEMENT AGREEMENT TO WIDEN THE NORTHERN HALF OF AIRWAY ROAD ALONG THE PROJECT FRONTAGE WHEN NEEDED, AS DETERMINED BY THE CITY ENGINEER." Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-332:

SUBJECT: Matter of repealing the Northside Specific Plan and adopting the Mission City Specific Plan; related amendments to the Mission Valley Community Plan and Progress Guide and General Plan; repealing the Northside Development Agreement and adopting the Mission City Development Agreement (DA-96-0544); Tentative Map "Mission City" (TM-96-0544); Rezone (RZ-96-0544); adopting the Mission City Overlay Zone; amendment to Conditional Use Permit CUP-82-0014 (CUP-96-0680); and Street Vacations (SA-96-522).

(TM/DA/RZ-96-0544, CUP-96-0680, SA-96-522.
District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in Subitems A, F, & I; adopt the resolutions in Subitems G & H to grant the permit and map; and introduce the ordinances in Subitems B, C, D & E:

Subitem-A: (R-98-1060) ADOPTED AS RESOLUTION R-289994

Adoption of a Resolution certifying that the information contained in Environmental Impact Report LDR-96-0544 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Environmental Impact Report reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final Environmental Impact Report has been reviewed and considered prior to approving the project; adopting the Findings and Statement of Overriding Considerations with the exception of the Finding related to Public Health and Safety; adopting the Mitigation, Monitoring and Reporting Program with the addition of a mitigation measure which would reduce impacts to Public Health and Safety to below a level of significance.

Subitem-B: (O-98-110) INTRODUCED, TO BE ADOPTED ON
MAY 4, 1998

Introduction of an Ordinance rezoning the area north of
Friars Road.

Subitem-C: (O-98-113) INTRODUCED, TO BE ADOPTED ON
MAY 4, 1998

Introduction of an Ordinance rezoning the area south of
Friars Road.

Subitem-D: (O-98-119) INTRODUCED, TO BE ADOPTED ON
MAY 4, 1998

Introduction of an Ordinance to adopt the Mission City
Overlay Zone.

Subitem-E: (O-98-112) INTRODUCED, TO BE ADOPTED ON
MAY 4, 1998

Introduction of an Ordinance to adopt the Development
Agreement.

Subitem-F: (R-98-1077) ADOPTED AS RESOLUTION R-289995

Adoption of a Resolution approving the Mission City
Specific Plan and amending the Mission Valley Community
Plan and General Plan.

Subitem-G: (R-98-1233) ADOPTED AS RESOLUTION R-289996
GRANTED MAP

Adoption of a Resolution granting or denying the map
(TM-96-0544), with appropriate findings to support
Council action.

Subitem-H: (R-98-1234) ADOPTED AS RESOLUTION R-289997
GRANTED CUP AMENDMENT

Adoption of a Resolution granting or denying the CUP
(amendment) 96-0680.

Subitem-I: (R-98-1110) ADOPTED AS RESOLUTION R-289998

Adoption of a Resolution authorizing the vacation of
portions of Friars Road, Northside Drive, Old Quarry
Road and Questor Place as provided for under Section
66499.20-1/2 of the State Map Act.

SUPPORTING INFORMATION:

1) Certify that the information contained in LDR-96-0544 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Environmental Impact Report reflects the independent judgement of the City of San Diego as Lead Agency. State for the record that the final Environmental Impact Report has been reviewed and considered prior to approving the project. Adopt the Findings and Statement of Overriding Considerations with the exception of the Finding related to Public Health and Safety. Adopt the Mitigation Monitoring and Reporting Program with the addition of a mitigation measure which would reduce impacts to Public Health and Safety to below a level of significance. 2) Repeal of the Northside Specific Plan, adoption of the Mission City Specific Plan and approval of related amendments to the Mission Valley Community Plan and Progress Guide and General Plan. 3) Repeal of the Northside Development Agreement and adoption of the Mission City Development Agreement (DA-96-0544). 4) Approval of Tentative Subdivision Map (TM-96-0544). 5) Approval of a Rezoning (RZ-96-0544) from the MV-M/SP (Mission Valley Multiple Use) Zone to the RX (Residential Small Lot), RT (Residential Townhouse), RM-1-1, RM-1-2, RM-1-3, RM-2-4, RM-2-5 and RM-2-6 (Residential Multiple Unit) Zones. 6) Approval of a rezoning (RZ-96-0544) from the MV-M/SP (Mission Valley Multiple Use), FW (Floodway) and FPF (Floodplain Fringe Overlay) Zones to the

CR-1-1 (Commercial Regional), CC-3-5 (Commercial Community) and OF-1-1 (Open Space Floodplain) Zones. 7) Adoption of the Mission City Overlay Zone. 8) Approval of the vacation of a portion of Friars Road, Northside Drive, Old Quarry Road and Questor Place. 9) Approval of an amendment to CUP-82-0014 (CUP-96-0680).

LEGAL DESCRIPTION:

The project site is more particularly described as being Lots 26 & 27 of Mission City Unit No. 1, Map-11675; Portion of Lot 34, Rancho Mission of San Diego SCC 348; Portion of Lot 1 of Plat of Lot 32, Ex-Mission Rancho and part of Pueblo Lot 1113, Map-875; Parcel 3, Parcel Map PM-15626; Lots A, 7 & 8, Mission City Unit 3, Map-11677; Parcel 2, Parcel Map PM-16988; Portion of Lot 36, Rancho Mission of San Diego, SCC 348.

FILE LOCATION: Subitems-A,F,G,H: LAND-Mission Valley
Community Plan; Subitems-B,C,D,E: NONE;
Subitem-I: STRT-J-2881

COUNCIL ACTION: (Tape location: D491-E234.)

Hearing began at 3:39 p.m. and halted at 4:07 p.m.

MOTION BY STALLINGS TO APPROVE THE CITY MANAGER'S
RECOMMENDED ALTERNATIVE NO. 2, ACCOMPANYING SPECIFIC PLAN
AND OVERLAY ZONE, AND SPLIT ZONING SOUTH OF FRIARS ROAD WITH
THE FOLLOWING CHANGES:

1. APPLY CC35 ZONE TO LOTS 17 THROUGH 20 AND TO THE
WESTERLY 200 FT. OF LOTS 21 THROUGH 26 AND THE CR11
ZONE TO THE BALANCE OF THE PLANNING AREA 6.
2. AMEND THE DEVELOPMENT AGREEMENT BY ADDING SECTION 36 TO
READ: "FENTON SHALL DEDICATE TO THE CITY APPROXIMATELY
TWO AREAS OF LOT 26 OF THE APPROVED TENTATIVE MAP
ADJACENT TO A STREET FOR A LIBRARY SITE. THE PROPERTY
SHALL BE DEDICATED UPON THE RECORDING OF THE FIRST
FINAL MAP IN PLANNING AREA 6 EAST OF A STREET."

3. FIND THAT THE DEDICATION OF LOT 26 FOR A LIBRARY SITE SATISFIES THE PUBLIC USE REQUIREMENT OF THE MISSION CITY OVERLAY ZONE.

AS AGREED TO BY FENTON, ALL BUILDINGS IN THE MISSION CITY OVERLAY ZONE SHALL INCLUDE A FIRE SUPPRESSION SYSTEM THAT MEETS THE REQUIREMENTS OF THE UNIFORM FIRE CODE AS ADOPTED BY THE CITY OF SAN DIEGO.

START THE DESIGN PROCESS FOR THE MISSION CITY PARKWAY CROSSING OVER THE SAN DIEGO RIVER AS SOON AS POSSIBLE.

REFER TO LU&H TO BE INCLUDED IN THE MULTIPLE USE TRAIL REPORT THAT STAFF IS CURRENTLY WORKING ON FOR THE LU&H COMMITTEE SERRA MESA PLANNING GROUP'S REQUEST THAT THE CITY INVESTIGATE THE POTENTIAL OF CREATING A WALKING TRAIL SYSTEM FROM MISSION CITY THROUGH THE SERRA MESA, RUFFIN, AND SHAWN CANYON OPEN SPACE SYSTEM TO THE PROPOSED SHAWN PARK SITE, JUAREZ ELEMENTARY AND TAFT MIDDLE SCHOOLS.

ACCEPT COUNCIL MEMBER KEHOE'S AMENDMENT TO ADD LANGUAGE AS CONTAINED IN HER MEMO TO THE COUNCIL DATED APRIL 21, 1998, AS FOLLOWS:

- (1) ON THE TRANSIT PLAZA FOR THE TROLLEY, REVISE THE DEVELOPMENT AGREEMENT BY ADDING SECTION 3.5 TO READ:
"FENTON SHALL CONSTRUCT AND DEDICATE TO MTDB A TROLLEY PLAZA ON LOT 20 OF THE APPROVED TENTATIVE MAP DIRECTLY ADJACENT TO THE LRT PLATFORM. THE TROLLEY PLAZA SHALL BE NOT LESS THAN 3600 SQ. FT. IN SIZE. FENTON SHALL CONSULT WITH MTDB ON DESIGN OF THE TROLLEY PLAZA."
- (2) THERE IS A CHANGE AT THE END OF PART 4 OF THE REVISED MISSION CITY OVERLAY ZONE SPECIFIC PLAN DEVELOPMENT REGULATIONS, "AND UP TO 15,000 SQ. FT. OF TROLLEY STATION CONSTRUCTED BY FENTON PURSUANT TO SECTION 3.5 OF THE MISSION CITY DEVELOPMENT AGREEMENT."

- (3) SECTION 7 SPELLS OUT LANDSCAPING IMPROVEMENTS--ALL THE YARD AREAS, THE TROLLEY PLAZA--CONSTRUCTED PURSUANT TO SECTION 3.5 OF THE MISSION CITY DEVELOPMENT AGREEMENT LOCATED OUTSIDE THE VEHICULAR USE AREA, THAT CONSIST OF HARDSCAPE OR UNATTACHED UNIT PAVERS. THIS DOES NOT INCLUDE THE MINIMUM PLANTING AREA REQUIRED FOR TREES IN THE PLANNING AREA NECESSARY TO PROVIDE FOR HEALTHY PLANT GROWTH.

Second by McCarty. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-333:

SUBJECT: Matter of a Community Plan Amendment to clarify the definition of planned industrial park (specifically Lusk Industrial Park) as a Planned Industrial Development; a Rezone from M-1B to M-1 to allow hotel use as support commercial use, and a Planned Industrial Development Permit to construct a 192 room business serving hotel(Hilton Garden Inn).

(CPA/RZ/PID/AM-96-7896. Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A, C and D and introduce the ordinance in Subitem B:

Subitem-A: (R-98-1094) ADOPTED AS RESOLUTION R-289984

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-96-7896 has been completed in

compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-98-116) INTRODUCED, TO BE ADOPTED MAY 4, 1998

Introduction of an Ordinance for rezoning 4.13 acres from M-1B to M1.

Subitem-C: (R-98-1253) ADOPTED AS RESOLUTION R-289985

Adoption of a Resolution approving the permit, with appropriate findings to support Council action.

Subitem-D: (R-98-1093) ADOPTED AS RESOLUTION R-289986

Adoption of a Resolution amending the Mira Mesa Community Plan.

SUPPORTING INFORMATION:

The project proposes construction of a 192-room business serving hotel with a maximum 96,154 square feet of gross floor area in one building with grading, related site improvements and amenities; a re-designation of 4.13 acres of land located at 5520 Morehouse Drive from M-1B to M-1; and a clarification of language in the community plan to identify Lusk Industrial Park as a Planned Industrial Park, for the purpose of establishing a base from which to calculate square footage of allowed support commercial use, in the Sorrento Mesa subarea within the Mira Mesa Community Plan. This is being accomplished by a Planned Industrial Development Permit (LDR-96-7896), a Rezone and a Community Plan Amendment.

CITY MANAGER SUPPORTING INFORMATION:

The applicant is proposing a community plan amendment to define the Lusk Industrial Park as a Planned Industrial Park, for the purpose of establishing a base from which to calculate square footage of allowed support commercial use, in the Sorrento Mesa subarea within the Mira Mesa Community Plan; a rezone of 4.13 acres of land located at 5520 Morehouse Drive from M-1B to M1; and, construction of a 192-room business serving hotel with a maximum 96,154 square feet of gross floor area in one building with grading, related site improvements and amenities to the Sorrento Valley Science Park Planned Industrial Development Permit (LDR-89-0398).

The City Manager recommends certification of Mitigated Negative Declaration LDR-96-7896; and approval of the community plan amendment; rezoning, and planned industrial development permit.

On February 23, 1998, the Mira Mesa Community Planning Group voted unanimously to support the proposed community plan amendment, rezone and project.

On April 2, 1998, the Planning Commission voted 4-0 to recommend to the City Council support of the Manager's recommendation of the proposed project.

No opposition was presented at the Planning Commission hearing during the public testimony portion of the hearing, nor were any written comments of opposition received.

FILE LOCATION: Subitems A,C,D: PERM-96-7896 (65);
 Subitem B: NONE

COUNCIL ACTION: (Tape location: A430-497.)

Hearing began at 11:49 a.m. and halted at 11:54 a.m.

CONSENT MOTION BY STALLINGS TO ADOPT THE RESOLUTIONS FOR SUBITEMS A, C, AND D, AND INTRODUCE THE ORDINANCE FOR SUBITEM B. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-334:

SUBJECT: Matter of a public hearing for the determination of the Citywide average vacancy rate for residential rental units. The determination is required by Municipal Code Sections 101.0512 "Conditional Use Permit for Companion Units" and 101.0990 et. seq. "Condominium Conversion Map Procedure."

(Citywide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1032) ADOPTED AS RESOLUTION R-289987

Adoption of a resolution certifying that the Citywide average vacancy rate for residential rental units in the City of San Diego is determined not to have exceeded five percent (5%) for calendar year 1997.

SUPPORTING INFORMATION:

If the vacancy rate is determined to be less than five percent, the City will begin accepting applications for conditional use permits for companion units in eligible communities for one year. Additionally, certain financial and procedural requirements for the conversion of apartments to condominiums will become effective.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A430-497.)

Hearing began at 11:49 a.m. and halted at 11:54 a.m.

CONSENT MOTION BY STALLINGS TO ADOPT THE RESOLUTION WITH DIRECTION TO THE CITY MANAGER, AS REQUESTED BY COUNCIL MEMBER KEHOE, TO MAKE SURE THAT NEIGHBORHOODS ARE SURVEYED FOR ADEQUATE INFRASTRUCTURE SUCH AS LIBRARIES, SCHOOLS, PARKING, PARKS, ETC. PRIOR TO APPROVING SUCH ADDITIONAL DEVELOPMENT AND TO MAKE SURE THIS HAPPENS BEFORE ANY ADDITIONAL PERMITS ARE ISSUED. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-335

SUBJECT: Approval of Fiscal Year 1997/98 Budget Actions.

(See SEDC Report No. 98-005.)

SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1087) ADOPTED AS RESOLUTION R-289988

Accepting the payment of \$176,000 from the Redevelopment Agency of the City of San Diego of monies previously loaned to the Agency. The loan repayment shall come from the following sources:

Fund No.	Fund Name	Amount
98302	Southcrest	\$ 76,000
98360	Mt. Hope	\$100,000

Authorizing the transfer of \$176,000 to the Agency as an interest bearing loan to be used in the FY 97/98 Southeastern Economic Development Corporation Project Budget for implementation costs of the Imperial Creek (North Creek) Project, Fund 18502, within the Central Imperial Redevelopment Project Area;

Directing the Auditor and Comptroller to record the above-mentioned loan as an interest bearing loan to the Agency, to be repaid as soon as is practicable from tax increment or other appropriate revenues.

Aud. Cert. 9801258.

NOTE: See the Redevelopment Agency Agenda of 4/21/98 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A430-497.)

CONSENT MOTION BY STALLINGS TO ADOPT THE RESOLUTION. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-not present, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-336: TRAILED TO MAY 4, 1998 DUE TO LACK OF FIVE VOTES

(Continued from the meeting of April 7, 1998, Item 330, at Deputy City Attorney Allisyn Thomas's request, to allow time to respond to letters.)

SUBJECT: Four actions related to North Bay Revitalization Program.

(Midway/Pacific Highway Corridor, Old Town, Uptown, Mission Valley, Clairemont Mesa and Linda Vista Community Areas. Districts-2 & 6.)

NOTE: Hearing closed. Public testimony taken on 4/7/98.
District 4 and Mayor Golding not present.

NOTE: See Item 601 of the Special Joint Meeting Docket of
4/21/98 and the Redevelopment Agency Agenda of 4/21/98 for
companion items.

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B; introduce the
ordinances in Subitems C and D:

Subitem-A: (R-98-1002)

Adopting amendments to the Linda Vista, Clairemont
Mesa, Old Town, Peninsula, and Midway-Pacific Highway
Corridor Community Plans, and the City of San Diego
Local Coastal Program Land Use Plan;

Adopting an amendment to the Progress Guide and General
Plan for the City of San Diego to incorporate the
updated plan amendments;

Finding that the proposed plan amendments are
consistent with the City-adopted Regional Growth
Management Strategy, and directing the City Clerk to
transmit a copy of the resolution to SANDAG in its
capacity as the Regional Planning and Growth Management
Review Board;

Declaring that the community plan amendments, including
the associated amendment to the Progress Guide and
General Plan, and the application of the Community Plan
Implementation Overlay Zone, will become effective
immediately, except for those areas within the coastal
zone, which will become effective upon California
Coastal Commission certification of the amendments, as
submitted, to the Local Coastal Program.

Subitem-B: (R-98-1003)

Certifying that Environmental Impact Report SCH-97091022 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the report reflects the independent judgement of the City as Lead Agency; that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of the North Bay Revitalization Program; adopting the findings made with respect to the project; adopting the Statement of Overriding Considerations; adopting the Mitigation, Monitoring and Reporting Program.

Subitem-C: (O-98-99)

Introduction of an Ordinance rezoning various properties in the Linda Vista, Clairemont Mesa, Old Town San Diego, Peninsula, and Midway/Pacific Highway Corridor Community Planning Areas, into the CC-1-1, CC-3-4, CC-5-1, RM-3-7, RM-2-5, CV-1-2, CC-5-4, CO-1-2, IS-1-1, and R (Rosecrans) Zones;

Applying the Community Plan Implementation Overlay Zone (CPIOZ-B) to various properties in the Clairemont Mesa and Midway/Pacific Highway Corridor Community;

Removing the Community Plan Implementation Overlay Zone (CPIOZ-B) from various properties in the Linda Vista and Midway/Pacific Highway Corridor Communities.

Subitem-D: (O-98-103)

Amending Chapter X, Article 3, Division 2, of the San Diego Municipal Code by amending Sections 103.0204 and 103.0205 relating to the Old Town San Diego Planned District Ordinance.

FILE LOCATION: Subitems-A,B,C,D: None

COUNCIL ACTION: (Tape location: E239-F188.)

Hearing began at 4:07 p.m. and halted at 4:45 p.m.

Motion by Stallings to move approval of Agency Agenda No. 1A and 1B, certifying the final EIR for the North Bay Redevelopment Project as per the resolution, and approving the proposed Redevelopment Plan for the North Bay Redevelopment Project. This motion incorporates latest revisions stated in the April 17, 1998 City Manager's memo and previously discussed at the hearing of April 7. In accordance with Section 510.7 of the Redevelopment Plan for the North Bay Redevelopment Project, the Agency hereby permits the use of the following described land in the project area for interim uses that are not consistent with the existing zoning for the property, with such permission to be effective until the zoning amendment for the properties approved concurrently with this resolution becomes effective pursuant to the ordinance adopting the amendment. The affected land referred to is APN No. 436-54-9, 10, 11, 12, 13, 14, 15, and 16.

That the Council approve Item-601 A through D including the adoption of the written findings in response to written comments to the North Bay Plan and the ordinance approving the adoption of the North Bay Redevelopment Plan with the understanding that this does not constitute a funding or implementation plan for the bay-to-bay component of this project and that any future funding proposal will return to the council for approval. Additionally, I would like to move approval of the amendments to the community plans in council docket Item-336 A through D incorporating the latest revisions or clarifications included in the Manager's Memo dated April 20, 1998. In addition, move that the City Council proceed with the design studies to implement the connection of Knoxville Street to West Morena Boulevard.

Accept amendment by Mathis to incorporate clarification relative to the bay-to-bay that the environmental impact report state that the Redevelopment Agency would take no action toward the bay-to-bay link, including procuring rights-of-way in property or modifying infrastructure, until the environmental impacts and links are thoroughly identified, adequate mitigation is proposed, and the Council has had another opportunity to decide if the navigable bay-to-bay link is worth the environmental impact and costs associated with it. Second by Mathis.

Substitute motion by Kehoe to delete all references in the redevelopment plan and the community plan amendments to the bay-to-bay link until a financing plan and environmental impacts are adequately studied and presented to the Council. Second by Stevens. Failed by the following vote: 347-yea; 126-nay; 58M-not present.

Main motion failed by the following vote: Mathis-yea, Wear-yea, Kehoe-nay, Stevens-yea, Warden-not present, Stallings-yea, McCarty-nay, Vargas-not present, Mayor Golding-not present.

ITEM TRAILED TO MAY 4, 1998 DUE TO LACK OF 5 VOTES.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Wear at 4:46 p.m. in honor of the memory of Kay Ready at his request.

**Minutes of the Council of the City of San Diego
for the Regular Meeting of Tuesday, April 21, 1998**

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F190).